UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,070	06/25/2001	Lauge S. Sorensen	2207/11665	6580

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2454	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/887,070	SORENSEN, LAUGE S.
	Examiner	**Art Unit**	
	DUSTIN NGUYEN	2454	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 January 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>3,4,6-9,11-16,18 and 20-28</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>3,4,6-9,11-16,18 and 20-28</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 3, 4, 6-9, 11-16, 18, 20-28 are presented for consideration.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 01/30/2009 has been entered.

Response to Arguments

3.   Applicant's arguments filed 01/30/2009 have been fully considered but they are not

persuasive.

4.   As per remarks, Applicants' argued that (1) Doyle reference fails to teach or suggest at

least searching content for a set of associated identifiers and selecting header information

corresponding to a subset of the set of associated identifiers.

5.   As to point (1), Examiner respectfully disagrees. As in the same field of invention, Doyle

discloses a system and method for creating new http headers for response message [Abstract].

Doyle discloses a set of syntax that may be used to convey cost metrics within a response header

to a load balancing host [i.e. set of associated identifiers as claimed] [col 2, lines 56-col 3, lines

4]. Doyle discloses **identifying different syntax formats within the response header to**

obtain the cost metrics [i.e. searching the content for the set of associated identifiers and

selecting header information corresponding to a subset of the set of associated identifiers as

claimed] [Figure 8A-8G; and col 8, lines 3-col 9, lines 56]. Furthermore, Doyle discloses the

"GenerationCost" header shown in Figure 8A is an example of the header syntax that the content

server generates, and that the load balancing host **searches for in metric information** created by

those servers [i.e. searching the content for the set of associated identifiers and selecting a subset

] [col 8, lines 29-41]. Therefore, the cited prior art teaches the claimed limitation, as such, the

claimed language as written, unpatentable.

6.   As per remarks, Applicants argued that (2) Doyle fails to address utilizing header

information relating to routing, displaying, storing, modifying, encryption, and decryption of the

content.

7.   As to point (2), Doyle shows the HTTP header including the cost metric [Figures 8A-8C;

and col 8, lines 19-41], and the cost metric is being considered for determining where to route a

content request [i.e. HTTP header comprises information relating to at least one of routing] [

col 2, lines 20-23 and lines 32-39]. In addition, Doyle discloses the gather cost metric

information may comprises a cost of delivering the generated document content to a proxy or

cache, cost which represents disk access [i.e. broadly interpreted as information relating to

storing as claimed] [col 3, lines 35-43; col 5, lines 21-38; and col 8, lines 29-41]. As such,

Doyle discloses HTTP header comprises information relating to at least one of routing,

displaying, storing, modifying, encryption, and decryption of the content, and therefore the

claims remain rejected over the cited prior art.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 3, 4, 6, 7, 11-16, 18, 20-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lindhorst et al. [US Patent No 6,889,379], in view of Doyle et al. [US Patent

No 6,839,700].

10.   As per claim 21, Lindhorst discloses the invention as claimed including a method for

controlling content of a Hyper Text Transfer Protocol (HTTP) header [i.e. authoring of text and

more particularly to techniques for automatically generating HTML script] [col 1, lines 19-22;

and col 19, lines 16-27], comprising:

creating HTML or XML content by a developer [i.e. creating a new page with new

methods and properties] [col 20, lines 15-22];

inserting information into the content by the developer [i.e. the editor may step the

developer through each method and property of the new object to allow the developer to modify

the properties and methods as they are incorporated into the object of the new page] [col 20,

lines 22-45], said inserted information having a set of associated identifiers [i.e. meta name or

meta HTTP-EQUIV] [col 20, lines 32-38; and col 22, lines 11-21].

Lindhorst does not specifically disclose

searching the content for the set of associated identifiers, and selecting header

information corresponding to a subset of the set of associated identifiers, the subset selected

based on a detected network condition; and

generating a HTTP header for the content, the generated HTTP header including the

selected header information, wherein said HTTP header comprises information relating to at

least one of routing, displaying, storing, modifying, and decryption of the content.

Doyle discloses

searching the content for the set of associated identifiers [i.e. obtain meta tag, name,

HTTP-EQUIV attributes] [Figures 8B-8E; and col 8, lines 42-col 9, lines 28], and selecting

header information corresponding to a subset of the set of associated identifiers, the subset

selected based on a detected network condition [i.e. the cost metric information for load balance

] [Figure 8B; Abstract; col 2, lines 14-23; and col 8, lines 19-41]; and

generating a HTTP header for the content, the generated HTTP header including the

selected header information [i.e. response header] [815, Figure 8A; col 8, lines 19-41],

wherein said HTTP header comprises information relating to at least one of routing, displaying,

storing, modifying, and decryption of the content [i.e. routing and disk access] [col 2, lines 20-

23 and lines 32-39; col 3, lines 35-43; col 5, lines 21-38; and col 8, lines 29-41].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Linhorst and Doyle because the teaching of Doyle on providing load

balancing information would enable a more efficiently routing requests for dynamic content

generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20].

11.   As per claim 3, Lindhorst discloses wherein the HTML or XML content is created at a

web server [701, Figure 11; col 19, lines 16-27; and col 24, lines 1-9].

12.   As per claim 4, Lindhorst discloses the content comprises of at least one web page [col

7, lines 65-67].

13.   As per claim 6, Lindhorst discloses wherein the identifiers comprise at least one of a Meta

tag, a label, a tag and a command [i.e. meta name or meta HTTP-EQUIV] [col 20, lines 32-38;

and col 22, lines 11-21].

14.   As per claim 7, Lindhorst does not specifically disclose performing the searching and

generating are to be performed at a network node, the network node being at a different location

than where the creating and inserting are performed. Doyle discloses performing the searching

and generating are to be performed at a network node, the network node being at a different

location than where the creating and inserting are performed [Figure 1; Abstract; col 1, lines 37-col 2, lines 6; and col 3, lines 32-44]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and Doyle because the teaching of Doyle would enable a more efficiently routing requests for dynamic content generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20].

15.   As per claims 24-28, Doyle discloses wherein the detected network condition includes network traffic, load balancing, network statistics, quality of service, and a service level agreement [i.e. load, load balancing, quality of service, network policy information] [Abstract; and col 1, lines 8-29].

16.   As per claim 22, it is apparatus claimed of claim 21, it is rejected for similar reasons as stated above in claim 21.

17.   As per claim 11, it is rejected for similar reasons as stated above in claim 3.

18.   As per claim 12, Lindhorst does not specifically disclose Internet cache control information. Doyle discloses Internet cache control information [col 1, lines 65-col 2, lines 6]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and Doyle because the teaching of Doyle would enable a more efficiently routing requests for dynamic content generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20].

19.   As per claim 13, it is rejected for similar reasons as stated above in claim 6.

20.   As per claim 14, Lindhorst discloses wherein the network comprises the Internet [col 7,

lines 60-62].

21.   As per claim 15, Lindhorst does not specifically disclose wherein the at least one network

node comprises an Internet cache. Doyle discloses wherein the at least one network node

comprises an Internet cache [i.e. cache server] [col 1, lines 65-col 2, lines 6]. It would have

been obvious to a person skill in the art at the time the invention was made to combine the

teaching of Lindhorst and Doyle because the teaching of Doyle would enable a more efficiently

routing requests for dynamic content generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20

].

22.   As per claim 16, it is rejected for similar reasons as stated above in claim 4.

23.   As per claim 23, it is program product claimed of claim 21, it is rejected for similar reasons

as stated above in claim 21.

24.   As per claim 18, it is rejected for similar reasons as stated above in claim 4.

25.   As per claim 20, it is rejected for similar reasons as stated above in claim 6.

26.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindhorst

et al. [US Patent No 6,889,379], in view of Doyle et al. [US Patent No 6,839,700], and further

in view of Masters [US Patent No 6,374,300].

27.   As per claim 8, Lindhorst and Doyle do not specifically disclose wherein the network node

comprises a router. Masters discloses wherein the network node comprises a router [114, Figure

1A; Abstract; and col 3, lines 61-65]. It would have been obvious to a person skill in the art at the

time the invention was made to combine the teaching of Lindhorst, Doyle and Masters because

Masters' teaching of router would allow nodes to communicate with multiple destinations in a more

organized manner.

28.   As per claim 9, Lindhorst and Doyle do not specifically disclose performing the searching

and generating by a network application at the router. Masters discloses performing the searching

and generating by a network appliance at the router [col 5, lines 17-21]. It would have been

obvious to a person skill in the art at the time the invention was made to combine the teaching of

Lindhorst, Doyle and Masters because Masters' teaching of router would allow nodes to

communicate with multiple destinations in a more organized manner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/
Primary Examiner, Art Unit 2454